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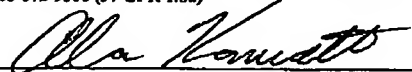
Attorney Docket No. 6317US (9649/156)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Randal J. Monforton, et al. : Examiner Shawntina T. Fuqua
Serial No. : 10/676,826 : Art Unit 3742
Filed : September 30, 2003 : Confirmation No. 3058
For : Easily Expandable, Flexible Paper Popcorn Package

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I CERTIFY THAT THIS PAPER IS BEING SENT VIA
FACSIMILE TRANSMISSION, ADDRESSED TO:
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, ON OCTOBER 27, 2004 TO FAX
NO.: 703-872-9306 (37 CFR 1.8a)

RESPONSE

Dear Sir:

In response to the Office communication mailed July 27, 2004, the undersigned wishes to make the following comments:

REMARKS

The number "17" is utilized to refer to both "pleats" (see column 5, lines 10-24) and "openings" (column 9, line 63 to column 10, line 5) in Burdette. It is respectfully submitted that "openings 17" at column 9, line 63 to column 10, line 5 should refer to openings 25. It is respectfully submitted that it is well known that microwave popcorn bags should include some manner to regulate temperature and pressure such as by venting. Burdette discloses providing openings 25 which are preferably plugged or covered with a thermoplastic film. It is respectfully submitted that there is no disclosure that openings 25 are located in the outer periphery of overlapping folded portions 13 of Burdette contended to be the recited coupler, that overlapping folded portions 13 prevent communication with the interior through openings 25 before heating and/or that overlap folded portions 13 release to allow communication through openings 25 in a manner recited in claim 1. Thus, it is respectfully submitted that the rejection of claim 1 and the claims which depend therefrom has been overcome.

Further, as an example, how are overlapping folded portions 13 of Burdette spaced from the outer edges of the first and second walls as recited in claim 2? How are overlapping folded portions 13 and openings 25 located intermediate outer and inner edges of a pleat as recited in

Serial No. 10/676,826

claim 4? How are openings 25 formed in a pleat as recited in claim 5? How are overlapping folded portions (contended to the coupler) spaced from the seals of the ends of the walls as recited in claims 6, 11 and 12? How do overlapping folded portions have circular outer peripheries recited in claims 8-10 and 14-17? How does overlapping folded portions have annular shapes as recited in claims 18 and 19? Where does Burdette teach spots of adhesive as recited in claim 20? Thus, it is respectfully submitted that the rejection of claims 2-20 has been overcome for these separate and independent reasons.

The undersigned has left multiple telephonic messages with Examiner Fuqua in an effort to hold an interview so that the undersigned could get a better understanding as to how the Examiner was reading the claims on Burdette. It is respectfully requested that the Examiner telephone the undersigned if there are any obstacles to allowance.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicant's easily expandable, flexible paper popcorn package which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner and by the applicants, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 1-20 of the present application and to pass this application to issue.

Respectfully submitted,

Randal J. Monforton, et al.

Dated: October 27, 2004.

By: 

Alan D. Kamrath, Reg. No. 28,227

NIKOLAI & MERSEREAU, P.A.

Attorneys for Applicant(s)

900 Second Avenue South

Suite 820 International Centre

Minneapolis, MN 55402

Tel: (612) 392-7306

Fax: (612) 349-6556